

# City Council

## Regular Meeting Agenda

Monday, May 4, 2015  
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:00 p.m.**

2. **Invocation – Moment of Silence**

3. **Proclamation for Arbor Day 2015.**

4. **Roll Call**

Present: Arnold, Fitzgibbon, Gruber, Klavins, Kozlik Wall, Patterson, Burr

Absent: None

5. **Approval of Agenda**

Moved by Patterson to approve the agenda. Seconded by Klavins.

Voted Yes: All. Motion Carried.

6. **Consent Agenda: Items A thru E (Roll Call Vote Required)**

Moved by Fitzgibbon, Seconded by Kozlik Wall to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council Minutes of April 20, 2015.
- B. Bills totaling \$633,770.93 for the period ending May 3, 2015 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to award the contract for demolition of 317 Hogan's Alley to SC Environmental Services in the amount of \$28,641 plus \$27 per foot for removal of asbestos pipe insulation.
- D. Council will be asked to approve the proposal from Villa Environmental Consultants for Due Care Plan Sampling at 229 Elkenburg Street (Overton Building) in the amount of \$8,600.00.
- E. Council will be asked to receive the following administrative reports and approved minutes to be placed on file:
  - 1) 01-26-2015 BPU Minutes
  - 2) 03-17-2015 Harbor Commission Minutes
  - 3) 03-17-2015 LHBM Minutes
  - 4) 03-30-2015 BPU Minutes
  - 5) 03-30-2015 ZBA Minutes
  - 6) 04-02-2015 SH Housing Commission Minutes
  - 7) 04-13-2015 BPU Special Meeting Minutes
  - 8) 04-21-2015 LHBM Minutes

A Roll Call Vote was taken:

Yeas: Fitzgibbon, Klavins, Kozlik Wall, Patterson, Gruber, Arnold, Burr  
Nays: None

Motion Carried.

#### NEW BUSINESS

**7. Council will be asked to listen to updates from South Haven Hospital/Health System's various projects.**

Joanne Urbanski, President/CEO of South Haven Health System, gave the annual report for the South Haven Health System.

**8. Council will be asked to approve the following special event applications:**

**A. Council will be asked to consider Special Event 2015-08, The North Shore Elementary 5K/Field Day, on June 2, 2015 from 9:30 a.m. to 1:30 a.m.**

**B. Council will be asked to consider Special Event 2015-10, The Break the Ice 5k and Kid's Frosty Dash, on February 6, 2016 from 8:00 a.m. to 12:00 p.m.**

*Background Information:*

**Item A. Council will be asked to consider Special Event 2015-08, The North Shore Elementary 5K/Field Day, on June 2, 2015 from 9:30 a.m. to 1:30 a.m.**

North Shore Elementary is asking to hold their 5K/Field Day once again. This event is to celebrate the end of the school year. The event will take place from 9:30 a.m. to 11:30 a.m. The 5K will follow the regular North Shore 5K route through the city. The students and staff will begin at the school and end at the school, like previous years.

Moved by Fitzgibbon, Seconded by Kozlik Wall to approve Special Event 2015-08, the North Shore Elementary 5K/Field Day, on June 2, 2015 from 9:30 a.m. to 1:30 p.m.

Voted Yes: All. Motion Carried.

**Item B. Council will be asked consider Special Event 2015-10, The Break the Ice 5k and Kid's Frosty Dash, on February 6, 2016 from 8:00 a.m. to 12:00 p.m.**

Break the Ice 5k and Kid's Frosty Dash is ready for Council approval. This event is a 5k walk/run and also a kid's small walk/run dash. There is a slightly different route this year (see map attached to agenda packet). This event will be put on by the High/Middle School cross country track and field. The event will be timed with age groups and awards. All proceeds from the race will go directly to South Haven Public Schools. This event will take place on Saturday, February 6, 2016 from 8:00 am to 12:00 pm.

Lyndsey Hock, the event coordinator, briefly spoke to Council about the event.

Moved by Gruber, Seconded by Patterson to approve Special Event 2015-10, the Break the Ice 5k and Kid's Frosty Dash, on February 6, 2016 from 8:00 a.m. to 12:00 p.m.

Voted Yes: All. Motion Carried.

**9. Council will be asked to consider a commercial tour boat proposal for the city's South Side Marina and approve Resolution 2015-16, South Side Marina Tour Boat.**

*Background Information:*

The City Council will be asked to again consider a proposal from IT-IL-DO Charters, LLC, for the placement of a tour boat at the city's South Side Municipal Marina. The proposal is to operate a 49 passenger boat as part of a scenic tour on Lake Michigan.

At the April 6<sup>th</sup> regular meeting of the City Council, the Council considered the same proposal. As part of that consideration, the Council opted to request the city's Harbor Commission to reconsider the proposal, and offer a recommendation on whether the proposal should be approved. At the April 21<sup>st</sup> regular meeting of the Harbor Commission, the board approved recommending the proposal to the City Council.

In the past, the dock area being proposed for the tour boat has not been used. If approved, the dock area will require modification to allow for a boarding ramp, and an electric pedestal will need to be installed. The commercial dockage rate is two times the recreational dockage rate. The total revenue for the commercial dockage, if approved, will be \$7,900 for the season. The city's staff has followed the adopted Commercial Use Policy, when preparing this item for the City Council's consideration.

In addition, staff is requesting to extend the South Side Marina transient dock to the area 80 feet to the west of the existing head dock. This area is currently used as a public deck between the South Side Marina and the Black River. It is open to the public. Staff is proposing to continue this deck use as an area open to the public. In order to use the deck for tour boat and transient rental, electric and water pedestals would be installed, and gates would be installed to allow for boarding areas for transient vessels. There may also be a need for additional cleats and fenders at the dock.

There are a number of approvals which would need to be done to accomplish the proposed tour boat and marina transient dockage extension, as listed below:

- Approve the expansion of the South Side Marina on to the existing deck to the west of the existing marina.
- Approve the license agreement with IT-IL-DO Charters LLC on behalf of the City of South Haven.
- Approve application to the DEQ for dock improvements to make it possible to moor the tour boat and other transient vessels in the expansion area.
- Approve a request to the DNR for a commercial use of a tour boat in the South Side Marina grant-in-aid facility.
- Approve the application for zoning and building permits required to complete the proposed work.

Staff has prepared a resolution combining all of the action items, for the City Council's consideration.

Moved by Patterson, Seconded by Arnold to adopt Resolution 2015-16: a resolution for commercial tour boat operation at the South Side Municipal Marina and to expand the transient dockage to the west of the existing marina.

Harbormaster Paul VandenBosch gave a brief overview of the proposal.

Voted Yes: Arnold, Kozlik Wall, Patterson, Gruber, Fitzgibbon, Burr

Voted No: None

Klavins was excused from the Record of Vote due to a business relationship with Chad Bard

Motion Carried.

**10. Council will be asked to take the following action regarding the Belgravia Demolition:**

**A. Hold a public hearing on the Brownfield Plan;**

**B. Approve the Resolution 2015-19, a resolution authorizing agreements and actions to enable environmental remediation at the Factory Condominium site.**

*Background Information:*

The Michigan Department of Environmental Quality has stated that it will perform an environmental remediation of contamination in the rear yard and under the health club building at Factory Condominium. One condition of this offer is that the health club building be demolished to provide access to the contaminated soil.

In order to accomplish the demolition, the City has worked with the Factory Condominium Association to fund a demolition project using brownfield funds from the Factory Condominium brownfield plan. The City will manage the demolition project and receive funds from the brownfield plan to pay for the work. Once the demolition and remediation are complete, the City will quit claim the deed to Unit B-1 (the health club) to the Factory Condominium Association.

In order to accomplish this action, City Council must hold a public hearing and approve a resolution.

LFDA/BRA Secretary Paul VandenBosch gave a brief overview of the project.

Motion by Patterson, Seconded by Gruber to open public hearing on Brownfield Plan.

Voted Yes: All. Motion Carried.

Open for public comment. No one stepped up for comment

Motion by Kozlik Wall, Seconded by Fitzgibbon to close the public hearing on Brownfield Plan

Voted Yes: All. Motion Carried.

Motion by Fitzgibbon, Seconded by Patterson to adopt Resolution 2015-19: a resolution authorizing agreements and actions to enable environmental remediation at the Factory Condominium site.

Voted Yes: All. Motion Carried

**11. Council will be asked to approve the re-hiring of Donna Jordan, a family member of a Council member.**

*Background Information:*

City Council will be asked to consider the employment of Donna Jordan for the 2015 parks and recreation season. Donna is Vickiy Kozlik-Wall's sister.

Section 5.15 of the City Charter addresses the issue of employment for family members of elected officials. That section of the charter reads as follows:

**Section 5.15. Antinepotism**

Except and unless the members of the Council in office at the time shall unanimously determine that the best interests of the City will be served by the employment of individuals hereinafter mentioned, the following relatives and his/her spouses (a) of any elective official or of his/her spouse, or (b) of the City Manager or of his/her spouse, are disqualified from holding any appointive City office or City employment during the term for which said elective official was elected or during the tenure of office of the City Manager, respectively: spouse, child, parent, brother, sister, and their spouses. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official.

The charter does provide provisions which allow family members (e.g., spouse, child, parent, brother, sister and/or their spouse) of City Council members to be employed by the City of South Haven, upon unanimous consent of the council. The charter specifies that at least one of the following criteria must be met:

Criteria #1: Was the family member employed by the city at the time of the election of said elective official?

Criteria #2: Will the best interest of the community be served by the hiring of an elected official's family member?

Having reviewed this situation, it appears that criteria #2 can be met if employment is approved.

Donna Jordan was hired for a position in the parks department for the 2014 season and reapplied for the 2015 season. She has experience with gardening and flower bed arrangements that would benefit the City. The City's parks are a very important and visible part of the community and having a parks staff member with the gardening skills she possesses would be an important addition. Her experience shows that Donna is dependable and has the ability to work with minimal supervision. For those reasons I support and recommend that the City Council consider the re-employment of Donna Jordan for the 2015 parks and recreation season.

Motion by Fitzgibbon, Seconded by Gruber, to allow the employment of Donna Jordan for the 2015 Parks and Recreation Season.

Voted Yes: All

Voted No: None.

Kozlik Wall was excused and allowed to abstain from the Record of Vote due to her familial connection to Donna Jordan.

Motion Carried.

**12. Council will be asked to consider the approval of the site plan for Phase II, Central Lofts.**

*Background Information:*

On March 22, 2007, the Planning Commission granted a special use permit to Bosgraaf Commercial (aka Central Lofts LLC) to begin Phase 1 renovations to the former Central Middle School at 500 Erie Street. The renovations included 22 condominium units and an indoor pool to be located within the main building. Site improvements included 44 onsite parking spaces and an outdoor patio area. Although no exact records were found, it appears this developer gave up interest in the project sometime in late 2008.

In February of 2013, the property was purchased by Erie Street Properties, LLC. On June 20, 2013, the Planning Commission held a special meeting to consider changes to the approved plans on record. The applicant asked and received permission to pave and restripe the parking lot, install a small retaining wall and construct a patio area on the south side of the building with two access doors.

The applicant has now submitted plans to convert the former BV building into 10 residential units on the upper level with parking underneath. On July 26, 2013, the City Assessor and Zoning Administrator received notice from Van Buren County Register of Deeds that they had approved a land division on the Central Lofts property. The Building Department then contacted the City Attorney for direction on proceeding since the land division did not first go through the Assessor and Building Department.

The county assessor informed the city that land divisions within condominium projects do not require municipal approval, only county approval. Staff was still concerned about the parking and open space issues resulting from the division. It was subsequently found that the applicant had recorded a parking easement with Van Buren County Register of Deeds. That easement provides that the parking areas on both properties are to be shared. Staff has a copy of that document.

The amendment to the master deed which allows for the Phase II development also includes easement language related to open space. In effect it states that all open space is to be available to both properties. This document has also been recorded with the Register of Deeds and is on file in the Building Department.

With both the parking and open space issues addressed, the plan reviews for the Phase II project could proceed. On April 2, 2015 the planning commission held a public hearing on the matter and voted unanimously to recommend approval of Phase II to the city council.

Linda Anderson, Building Zoning Administrator, spoke briefly about the project.

Motion by Patterson, Seconded by Fitzgibbon, to approve the site plan for Phase II, Central Lofts.

Klavins was excused and allowed to abstain from the Record of Vote due to a business relationship with the developer.

Voted Yes: All. Motion Carried.

**13. Council will be asked to consider approval of Resolution 2015-20, a resolution setting a public hearing date for the Fiscal Year 2015-16 Budget.**

*Background Information:*

The City Council will be asked to consider a resolution which establishes a public hearing date for the Fiscal Year 2015-16 Budget, to be held on May 18, 2015.

The budget process begins in earnest in February with department heads preparing budget concerns and requests for the City Manager's review. The Finance Department compiles and reviews these requests. As staff works through the various budget projections, a series of reports are distributed for the City Council's review. This year, two workshop sessions were held by the City Council to make sure the budget is reflecting the adopted policy priorities of City Council.

The manager's proposed budget for 2015-16 is complete and is now presented to the City Council for consideration. It is available for the public to review, and can be downloaded from the city's website at <http://www.south-haven.com/> or can be obtained in print form at City Hall.

The City Charter requires a public hearing on the proposed budget. The City Council is required to adopt a budget at the first meeting in June.

Motion by Patterson, Seconded by Klavins, to adopt Resolution 2015-20, a resolution setting a public hearing date for the Fiscal Year 2015-2016 Budget.

Voted Yes: All. Motion Carried.

**14. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**

No comments.

**15. City Manager's Comments**

No comments.

**16. Mayor and Councilperson's Comments**

Arnold: Senior class of 2015 has only 14 days of school left.  
Fitzgibbon: The bridge is now open to pedestrian traffic and expect open to vehicle traffic by the middle of the month.  
Gruber: The asphalt on the bridge is very well done.  
Klavins: Thank you to Brian Dissette for last week assisting mock city council meeting with first graders from Maple Grove.  
Kozlik Wall: Happy Mother's Day and reminder to not sweep leaves and yard debris into the street because it causes sewer obstructions and flooding.  
Patterson: Reminder to citizens to vote in May 5<sup>th</sup> election, polls open at 7am.  
Burr: A fundraiser this Thursday at the South Haven Yacht Club that is open to the public and is for the restoration of the lighthouse.

### 17. Adjourn

Motion to Adjourn by Fitzgibbon, Seconded by Patterson to adjourn the meeting.

Voted Yes: All. Motion Carried.

RESPECTFULLY SUBMITTED,



Kate Hosier  
Deputy City Clerk

Approved by City Council: **5/18/2015**